REMARKS

Claims 1 – 23, and 27 – 34 are pending in the application. Claims 24 – 26 have been withdrawn from consideration at this time.

Applicants greatly appreciate the courtesy extended by the Examiner during the personal interview conducted on May 20, 2004. A separate record of the substance of the interview is not included here in accordance with the instructions contained in the Examiner's Interview Summary.

I. Rejections Under 35 USC § 103

A. Claims 1-23, 27-28 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al (US 5,769,200).

1. Claims 1, 13, 27, 28 and 32-34

The Examiner indicates that Meyer et all discloses (referencing Claims 1, 13, 27, 28 and 32-34) a coin separator (10) and rejector body (18, 20, 22, 24 and 28) having two or more segments hinged together in pivotal connection, said hinged segments defining one or more downwardly inclined coin races formed between said hinged segments (see figure 1). The Examiner specifically notes that the term "hinged together" is being construed as meaning they are connected together and that each segment is hinged, meaning that it pivots. The Examiner construes "pivoting" to mean that a segment moves from one plane at a particular angle to the horizontal, to a different plane, located at another angle to the horizontal. The Examiner concludes that it appears that the segments (18, 20, 22, 24 and 28) of Meyer et al are "connected" together by the wall (106, for example, of figure 4) the flaps/segment pivots are journalled in. The Examiner indicates that it therefore appears that Meyers et al meets the limitations of having several segments hinged together in pivotal connection. The Examiner comments that even if "hinged together in pivotal connection" is construed as "two segments pivoting on the same shaft", then it can be argued that the hinged segments of Applicant and those of Meyers et al are functional equivalents of each other, performing substantially the same function in substantially the same way with substantially the same structure. The Examiner further states that it appears that there is no particular reason in Applicants'

specification for using the single shaft versus the scheme of Meyer et al.) In addition, the Examiner notes that it appears that the walls of Meyer et al are in contact with the hinged or swinging segments (referencing Meyer et al 18, 20, 22, 24 and 28), that a sensor is located upstream with respect to the flaps of Meyer et al. (24 and 28), and that Meyer et al. shows and actuator (27) and a processor (79).

Applicants respectfully submit that the Office Action fails to state a prima facie case of obviousness. Meyer et al. fails to suggest elimination of a manually operated coin return button. Rather, Meyer et al. addresses the problem of fraudulent transactions involving suspending a coin from a line in order to retrieve the coin after the machine gives credit for the coin. The flaps (18, 20, 22 24 and 28) of Meyer et al. reside within Meyer at al.'s coin races and move to direct coin flow. There is no disclosure or suggestion contained in Meyer et al. to pivot a segment of the acceptor and rejector body to an open position such that a coin or object contained within the race will fall out of the rejector body. Moreover, Meyer et al. requires that a coin or object within the race continue down the coin path in order to be manipulated by the flaps within the coin race to alter the direction of the coin path. In accordance with the present invention, a coin or object within the coin race may be rejected absent any motion of the coin or object down the race, thereby allowing a stopped or jammed coin to be released from the rejector body and returned to the customer without the use of a manually operated return button. Meyer et al. contains no disclosure or suggestion on how to eject a stopped or jammed coin from the rejector body. Accordingly, Applicant respectfully submits that the Office Action fails to set forth a prima facie case of obviousness on this basis alone.

2. Claim 2

The Office Action indicates that with respect to Claim 2, a second sensor (A or B) is located in a downstream portion of Meyer et al.

Applicants respectfully submit that the Office Action fails to state a prima facie case of obviousness. Claim 2 depends from Claim 1. The Office Action fails to set forth a prima facie case of obviousness, therefore obviating the rejection of Claim 2 on this basis alone.

3. Claims 4-6 and 15-17.

The Office Action indicates that with respect to Claims 4-6 and 15-17, Meyer et al. discloses an actuator (27). The Examiner states that whether or not a latching solenoid, wound cap solenoid or basic solenoid, the apparatus of Meyer et al still has substantially the same structure and functions in substantially the same way as Applicant's apparatus.

Applicants respectfully submit that the Office Action fails to set forth a prima facie case of obviousness. Claim 4 depends from Claim 1 and Claim 5-6 depend from Claim 4. Claim 15 depends from Claim 13, and Claims 16-17 depend from Claim 15. As discussed above, the Office Action fails to set forth a prima facie case of obviousness with respect to independent Claims 1 and 13, thereby obviating the basis for rejecting Claims 4-6 and 15-17 on this basis alone.

B. Claims 3, 7-11, 14, 18-23 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al (US 5,769,200) in View of Mercurio (US 5,007,519).

1. Claims 12, 23, 29 and 30.

Claims 3, 7-11, 14, 18-23 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Mercurio. The Examiner indicates that Meyer et al does not expressly disclose, as described in Claims 12 and 23, 29 and 30, a light coin spring detector positioned in the downstream portion of said rejector body. The Examiner indicates that Mercurio discloses with respect to Claims 12, 23, 29 and 30, a light coin spring detector (70) positioned in the downstream portion of said rejector body (see col. 3, lines 48-68 and col. 4, lines 1-4 of Mercurio). The Examiner indicates that both Meyer et al and Mercurio are analogous art because they both concern coin handling. The Examiner concludes that at the time of the invention, it would have been obvious to a person of ordinary skill in the art to add a light coin spring detector in the downstream passageway of the rejector body. The Examiner indicates that the suggestion/motivation would have been to provide a further layer of security to insure correctly weighted coins are allowed to pass through to the coin box, referencing the Mercurio abstract (last 7 lines in particular).

Applicants respectfully submit that the Office Action fails to set forth a prima facie case of obviousness. As discussed above, Meyer et al. fails to disclose, describe or suggest to one of ordinary skill in the art the mechanism described and claimed in the present application. Mercurio incorporates an adjustable weighting means 86 that allows the coin to proceed in a generally horizontal direction to a rejection means (Column 4, lines 1-8). Coins of proper weight will be deflected by the adjustable weighting means 87 and allow a properly weighted coin to drop downwardly between plates 30 and 31 into a coin collection box, where horizontal movement is arrested by a stop washer 54 (Column 3, lines 61-68; Column 4, lines 1-4). Unlike Mercurio, the present invention employs light coin stop springs to stop underweight coins, thereby triggering the rejector body to open, allowing the underweight coin to fall from the rejector body. Accordingly, Mercurio would have failed to suggest to one of ordinary skill in the art to stop underweight coins in a coin race, and to otherwise modify Meyer et al. to open the rejector body to allow a stopped coin to fall from the rejector body.

2. Claims 3 and 14.

The Examiner notes that Claims 3 and 14 pertain to an electric motor as an actuator. The Examiner comments that an electric motor used as an actuator of the rejector bodies is considered to be a functional equivalent of a solenoid. It would be expedient for one ordinarily skilled in the art to use electric motors or stepper motors to actuate the rejector bodies since they may provide the finer control of the rejectors or may take up less space than solenoids.

Applicants respectfully submit that the Office Action fails to set forth a prima facie case obviousness. Claim 3 depends from Claim 1, and Claim 14 depends from Claim 13. As set forth above, the Office Action fails to set forth a prima facie case of obviousness with respect to Claim 1 and 13, and on this basis alone, the rejection as to Claims 3 and 14 are obviated.

3. Claims 7-11 and 18-22.

The Examiner notes that with respect to Claims 7-11 and 18-22 that induction coils, hall effect sensors, photoelectric sensors, LED sensors and IR sensors are considered to be functional equivalents of each other. It would be expedient for one

ordinarily skilled in the art to provide any one or a combination of these sensors in order to sense coins or other items that may be jamming a coin path.

Applicants respectfully submit that the Office Action fails to set forth a prima facie case obviousness. Claims 7-9 depend from Claim 1, and Claims 18-20 depends from Claim 13. Claims 10-11 depend from Claim 9, and Claims 21-22 depend from Claim 20. As set forth above, the Office Action fails to set forth a prima facie case of obviousness with respect to Claim 1 and 13, and on this basis alone, the rejection as to Claims 7-11 and Claims 18-22 are obviated.

4. Claim 31.

The Examiner notes that Claim 31 pertains to a magnet mounted adjacent the coin race in the upstream portion of said separator and rejector body (referencing Pearson, figure 7, which illustrates a magnet (331)). The Examiner indicates that it would be expedient for one ordinarily skilled in the art to provide a magnet to a coin race to effect the removal of ferrous slugs, which are not legal tender.

Applicants respectfully submit that the Office Action fails to set forth a prima facie case of obviousness. Claim 31 depends from Claim 27. As discussed above, the Office Action fails to set forth a prima facie case of obviousness with respect to Claim 27. Accordingly, on this basis alone, the rejection of Claim 31 is obviated.

II. Double Patenting

A. Claims 1-23 and 27-31 (U.S. Patent No. 5,988,349 in view of Meyer et al.)

Claims 1-23 and 27-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-22 of U.S. Patent No. 5,988,349 in view of Meyer et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both describe a coin separator and rejector body having one or more sensors located upstream and downstream of said rejector body, the system controlled by a processor.

Applicants respectfully submit that the Office Action fails to set out a prima facie case of obviousness-type double patenting. As discussed above, Meyer et al. fails to suggest or describe the manipulation of hinged segments of a rejector body to allow coins

or objects, including stopped or jammed coins or objects, to fall from the rejector body, and to adapt sensors to do so.

B. Claims 1-23 and 27-31 (U.S. Patent No. 6,155,399 in view of Meyer et al.)

Claims 1-23 and 27-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-25 of U.S. Patent No. 6,155,399 in view of Meyer et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both describe a coin separator and rejector body having one or more sensors located upstream and downstream of said rejector body, the system controlled by a processor.

Applicants respectfully submit that the Office Action fails to set out a prima facie case of obviousness-type double patenting. As discussed above, Meyer et al. fails to suggest or describe the manipulation of hinged segments of a rejector body to allow coins or objects, including stopped or jammed coins or objects, to fall from the rejector body, and to adapt sensors to do so. Although the '399 patent discloses a sensor, it is for an entirely different purpose (extending a mechanical means across a race to induce coin spacing (Column 5, lines 16-29). There is no suggestion in Meyer et al. to modify the Bruner '399 invention to manipulate hinged segments to remove coins from a coin race as described in the present invention.

C. Claims 1-23 and 27-31 (U.S. Patent No. 5,647,470 in view of Meyer et al.)

Claims 1-23 and 27-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 5,647,470 in view of Meyer et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both describe a coin separator and rejector body having one or more sensors located upstream and downstream of said rejector body, the system controlled by a processor.

Applicants respectfully submit that the Office Action fails to set out a prima facie case of obviousness-type double patenting. As discussed above, Meyer et al. fails to suggest or describe the manipulation of hinged segments of a rejector body to allow coins

or objects, including stopped or jammed coins or objects, to fall from the rejector body, and to adapt sensors to do so.

D. Claims 1-23 and 27-31 (Copending Application No. 09/339,011 in view of Meyer et al.)

Claims 1-23 and 27-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application No. 09/339,011 in view of Meyer et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both describe a coin separator and rejector body having one or more sensors located upstream and downstream of said rejector body, the system controlled by a processor.

Applicants respectfully submit that the Office Action fails to set forth a prima facie case of obviousness-type double patenting. As discussed above, Meyer et al. fails to suggest or describe the manipulation of hinged segments of a rejector body to allow coins or objects, including stopped or jammed coins or objects, to fall from the rejector body, and to adapt sensors to do so.

CONCLUSION

Applicants respectfully submit that all claims are in proper form and condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **08-3038**, referencing Docket No. **10356.0035.NPUS00**. The Examiner is hereby respectfully invited to contact the undersigned attorney with any questions, comments or suggestions relating to this application.

Respectfully submitted,

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